

REMARKS:

Claims 1, 3-5, 18, 19, 31, 33-35, 48, 49, 61, 63, 78, 79, 128, 129, 134-139, 142 and 153-159 were pending in the application. Claims 134-136 and 139 has been amended. Claims 3-5, 18, 19, 31, 33-35, 48, 49, 61, 63, 78, 79, 128, and 129 have been canceled. Claims 160-162 have been added. Therefore, claims 134-139, 142 and 153-162 are now pending in this application.

Section 101 Rejections

The Examiner rejected claims 31, 33-35, 48, and 49 as being “non-statutory subject matter.” Applicant disagrees with these rejections. Nevertheless, Applicant has canceled the above-noted claims, rendering the § 101 rejections moot.

Section 102 Rejections

The Examiner rejected independent claim 139 under 35 U.S.C. § 102 based on Lalonde et al. (U.S. Patent No. 7,072,944). Applicant traverses this rejection.

Claim 139

After reviewing the present Office Action, Applicant respectfully submits that the Examiner is not giving proper weight to all limitations of claim 139. In particular, the Examiner does not appear to have addressed claim 139’s recitation of a) “sending data that is requested by the web page to the origin of the web page” and b) that the “analyzing” is of the “the origin’s response to the sent data.” Office Action at 5. In the Examiner’s rejection of the claim, the Examiner appears to allege that Lalonde teaches the above features because Lalonde generates a “confidence factor” from “transmission details” obtained from “transmission data mail header 42 and the visible mail header 44.” *See* Lalonde 5:9-45. Notably, Lalonde does not “send[] data that is requested by the web page to the origin of the received web page” as recited in claim 139. Furthermore, it certainly cannot be said that Lalonde “analyz[es] the origin’s response to the sent data to determine whether the origin of the web page is the first source.”

For at least these reasons, Lalonde does not teach or suggest each and every limitation of claim 139, and therefore does not anticipate this claim. Applicant therefore submits that claim

139 and its dependent claim are patentably distinct over the cited reference, and are thus in condition for allowance. Independent claim 160 recites similar features, and thus is believed to be in condition for allowance as well.

Section 103 Rejections

The Examiner rejected independent claims 153, 155, 158, and 159 under 35 U.S.C. § 103(a) based on Lalonde et al. in view of Toomey (U.S. Pub. No. 2004/00784242). Applicant traverses these rejections.

Claim 153

In the rejection of claim 153, the Examiner admits, “Lalonde does not explicitly teach determining that the layout of the web page is similar to a layout of a known mistrusted web page.” Office Action at 7. Instead, the Examiner relies upon Toomey to remedy this deficiency.

In relying on Toomey, the Examiner merely points to the title of a section of that reference entitled “Automated Contextual Analysis of Pages.” *Id.* This section (or any other section of Toomey), however, does not teach or suggest “determining that the layout of the web page is similar to a layout of a known mistrusted web page” as recited in claim 153. Instead, the cited portion of Toomey merely describes “scor[ing] a page’s probability of being a capture page” and enumerates five “possible contextual clues:” 1) “was the Web page navigated to from an email hyperlink” 2) “what host is serving the Web page” 3) “whether or not there is an obfuscating [] prefix before the host name in the URL” 4) “does the page contain a form with input elements that could be used for login ID+password” and 5) what is the end users opinion about “a page being a possible spoof.” *See* Toomey ¶¶ [0029]-[0035]. Thus, at a minimum, Toomey does not teach or suggest “determining that the layout of the web page is similar to a layout of a known mistrusted web page,” as recited in claim 153 (emphasis added).

For at least these reasons, claim 153 is believed to distinguish over the cited references. Applicant therefore submits that claim 153 and its dependent claim are patentably distinct over the cited reference, and are thus in condition for allowance. Independent claim 158 recites similar features, and thus is believed to be in condition for allowance as well.

Claim 155

In the rejection of claim 155, the Examiner admits, “Lalonde does not explicitly teach wherein the determination is based on one or more of the following criteria: an age of the web page, a size of the web page, a number of hyperlinks to the web page from trusted sources.” Office Action at 8. The Examiner relies on Toomey for this limitation. *Id.* The Examiner does not allege that Toomey teaches or suggests a determination based on “an age of the web page” or “a size of the web page,” as recited in claim 155. *Id.* Instead, the Examiner alleges that because Toomey discloses that a message may “contain[] a hyperlink that leads through a chain of hyperlinks to its destination spoofed Web page,” Toomey ¶ [0015], the last limitation of claim 155 is somehow satisfied. The mere determination by Toomey that a message may “contain[] a hyperlink” is not the same as making a “determination” “based on” “a number of hyperlinks to the web page from trusted sources,” as recited in claim 155.

For at least these reasons, claim 155 is believed to distinguish over the cited references. Applicant therefore submits that claim 155 and its dependent claims are patentably distinct over the cited reference, and are thus in condition for allowance. Independent claim 159 recites similar features, and thus is believed to be in condition for allowance as well.

Claim 134

The Examiner rejected independent claim 134 under 35 U.S.C. § 103 (a) based on Lalonde et al. in view of Abdulhayoglu (U.S. Pub. No. 2004/0030784).

In the rejection of claim 134, the Examiner admits, “Lalonde does not explicitly teach [] the determination is based, at least in part, on the age of the received data, and/or the size of the received data.” Office Action at 9. Instead, the Examiner relies upon Abdulhayoglu to remedy this deficiency.

Abdulhayoglu is directed to “determining a feature of [a] web-page from a digital certificate associated with the web-page and displaying the feature.” Abdulhayoglu (Abstract).

To this end, Abdulhayoglu discloses a “plug-in” that “control[s] web-page access” and “determines whether a relevant digital certificate is present.” Abdulhayoglu ¶ [0106]. In one aspect, “the plug-in can determine access based on age certificates.” *Id.* The reference continues, stating that “if there is no age certificate (within the digital certificate) or if the age certificate is over 12, access is denied and a corresponding message may be displayed.” *Id.*

Applicant has amended claim 134 to recite that the “received data includes a first set of data for a web page” and the “determination is based, at least in part, on an age of the first set of data.” Applicants submits that Abdulhayoglu’s “age certificate” is not “a first set of data for a web page,” and thus does not supply the features of claim 134 acknowledged to be missing from Lalonde. As a further matter, Applicant submits that the teachings of Abdulhayoglu are not clear, as that reference simply says “if the age certificate is over 12,” without specifying any particular units for “12.”

For at least these reasons, claim 134 and its dependents are believed to be patentably distinct over the cited references, and are thus in condition for allowance.

Claim 161

Claim 161 is believed to distinguish over each of the cited references as none of the references teach or suggests a “determination is based, at least in part, on a size of the received data” (emphasis added). For at least this reason, claim 161 and its dependent claim are believed to be in condition for allowance.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6002-00701/DMM.

Respectfully submitted,

Date: September 29, 2008

By: /Dean M. Munyon/
Dean M. Munyon
Reg. No. 42,914

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8847